

Order

Michigan Supreme Court
Lansing, Michigan

May 8, 2009

Marilyn Kelly,
Chief Justice

137664-5 & (47)

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

GHASSAN M. SAAB,
Plaintiff/Counter-Defendant-
Appellee/Cross-Appellant,

v

SC: 137664-5
COA: 278384; 278772
Genesee CC: 04-079096-CK

ALICE FARAH,
Defendant/Counter-Plaintiff-
Appellant/Cross-Appellee.

On order of the Court, the application for leave to appeal the October 2, 2008 judgment of the Court of Appeals and the application for leave to appeal as cross-appellant are considered, and they are DENIED, because we are not persuaded that the questions presented should now be reviewed by this Court.

MARKMAN, J. (*dissenting*).

Because I believe the lower courts erred in their interpretation of the parties' property settlement agreement (PSA), I dissent. In particular, I believe the trial court erred in determining that the PSA only allowed for the division of "marital assets." Instead, the parties stated that any non-disclosed "real or personal assets," without further limitation, were subject to judicial division. By contrast, when the parties intended to refer to "marital assets," they clearly knew how to communicate this, because they used this specific phrase in other provisions of the PSA.

CORRIGAN, J., joins the statement of MARKMAN, J.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 8, 2009

Corbin R. Davis

Clerk